

Corporate Overview and Scrutiny Management Board

20 April 2018

Report on the Council's use of powers under the Regulation of Investigatory Powers Act 2000 – Quarter 4 - 2017/18



Report of Helen Lynch, Head of Legal and Democratic Services

Purpose of the Report

1. To inform members about the Council's use of powers under the Regulation of Investigatory Powers Act 2000 ('RIPA') during the period 1 January 2018 until 31 March 2018 (Quarter 4) to ensure that it is being used consistently with the Council's policy and that the policy remains fit for purpose.

Background

2. As members are aware, the Regulation of Investigatory Powers Act 2000 (RIPA) enables local authorities to carry out certain types of surveillance activity provided that specified procedures are followed. The Local Authority is able to rely upon the information obtained from those surveillance activities within court proceedings.
3. This report gives details of RIPA applications that have been authorised during the period 1 January 2018 until 31 March 2018 and the outcomes following surveillance.

Quarter 4 Activity

4. During Quarter 4 there were 2 new RIPA Directed Surveillance authorisations. Both related to operations conducted by trading standards regarding test purchase attempts of illicit tobacco products. One authorisation related to 6 residential addresses and the other authorisation to 1 residential address.
5. There was 1 new Covert Human Intelligence Source (CHIS) authorisation which related to the test purchase of illicit tobacco products on the single residential address.

6. The Council's Senior Responsible Officer is satisfied that the Council's use of its powers under RIPA during Quarter 4 is consistent with the Council's policy and that the policy remains fit for purpose.

Outcomes following surveillance – Quarter 4

7. In relation to test purchase attempts of illicit tobacco 4 of 6 test purchase attempts were successful. Warrants have been obtained for these addresses and are due to be executed in the coming weeks. The service will look to prosecute the occupants of the 4 addresses if illicit products are found when the warrants are executed. In relation to the test purchase attempts on the single address, test purchases have been successful and there is sufficient evidence for enforcement action. A warrant has been obtained and will be executed shortly.

Recommendations and Reasons

8. It is recommended that members receive the quarterly report on the Council's use of RIPA for the period 1 January 2018 until 31 March 2018 and resolve that it is being used consistently with the Council's policy and that the policy remains fit for purpose.

Background Papers

None

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Appendix 1: Implications

Finance: None

Staffing: None

Equality and Diversity: None

Accommodation: None

Crime and Disorder: The appropriate use of an oversight of RIPA powers will enable the Council to provide evidence to support appropriate prosecutions and tackle crime.

Human Rights: Use of investigatory powers potentially engages the Human Rights Act 1998 and in particular the qualified right to private and family life under article 8 of the European Convention. This right may only be interfered with in circumstances where it is necessary and proportionate to do so in pursuit of the public interest. Oversight by the Board of the Council's RIPA operations is designed to facilitate compliance with the Human Rights Act.

Consultation: None

Procurement: None

Disability Discrimination Act: None

Legal Implications: The Council's objective is to make lawful and appropriate use of surveillance techniques where required whilst complying with the provisions of the Human Rights Act 1998 and in particular the provisions of Article 8 of the ECHR securing respect for an individual's (qualified) right to privacy. Quarterly oversight by the Board helps secure this objective.